

REMARKS

Status of the Claims

Claims 1-14 are pending in this application. No claims have been canceled, added or amended. Applicants submit the following new arguments in response to the Examiner's comments in the Office Action dated May 5, 2003 and the comments in the Advisory Action dated December 2, 2003 in support of the allowability of the claims.

Rejection under 35 USC 103(a)

The Examiner maintains the rejection of claims 1-14 as obvious over Ito et al. USP 6,150,084 (Ito '084) in view of JP 11-149136 (JP '136) or Adin et al. USP 6,054,260 (Adin '260). Applicants traverse the rejection and respectfully request the withdrawal thereof.

Ito '084 discloses a photothermographic material containing the compounds of formulas (1) to (3). However, Ito '084 fails to disclose the compound of formula (I). The Examiner relies on the secondary references, JP '136 and Adin '260, for disclosing a compound of formula I.

In the Reply filed November 4, 2003, Applicants presented arguments that the advantageous sensitivity properties are not exhibited by the combination of references cited by the Examiner.

In the Advisory Action dated December 2, 2003, the Examiner states that the results in Table 23 of Ito '084 suggest the advantageous properties that Applicant submits are unexpected. Applicants respectfully disagree with the Examiner's statement.

Applicants submit that Table 23 of Ito '084 only discloses a synergetic effect between the nucleating agents and the phosphorus oxide-derived compounds. The data in Table 23 fails to disclose or suggest a synergetic effect between a compound of formula I and a compound of formulas (1) to (3) as recited in the present invention.

As such, the combination of the cited references fails to disclose motivation for combining the references to use the compound of formula (I) with a compound of formulas (1) to (3). Moreover, there is no suggestion that one of ordinary skill in the art would be able to obtain a photothermographic material with the excellent low fog and high maximum density (Dmax) properties similar to that of the material of the present invention. As such, Applicants submit that no prima facie case of obviousness has been established.

Conclusion

As Applicants have addressed and overcome all rejections in the Office Action, Applicants respectfully request that the rejections be withdrawn and that the claims be allowed.


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Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kecia Reynolds (Reg. No. 47,021) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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